

HOUSTON POLICE DEPARTMENT

Homicide Division

W I T N E S S S T A T E M E N T

County of Harris

State of Texas

Date: Thursday, October 1, 1992

Time: 628 Hrs.

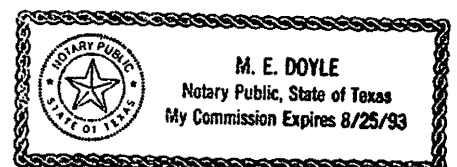
Before me, the undersigned authority, this day, personally appeared **DIANA GARCIA**, believed by me to be a credible person, who after being sworn upon his/her oath, did depose and say:

My name is **DIANA GARCIA**. I am a **WHITE FEMALE** and I am [REDACTED] years old, having been born [REDACTED]. My home address is **6705 FAIRWAY #3** and my home telephone number is **641-[REDACTED]4**. I can also be reached by calling [REDACTED]. My **TEXAS** drivers license number is [REDACTED] and my Social Security number is [REDACTED]. I have attained 7 years of formal education. I am unemployed at this time.

LAST NIGHT I WENT TO BED AROUND 10:30, MY SON ANGELO WENT TO BED AROUND 8:30 OR 9:00. ANGELO AND I WERE ALREADY ASLEEP, THE THING THAT WOKE ME UP WAS THE NOISE AT THE DOOR. MY HUSBAND JOSE GOT UP, I SAT UP IN THE BED. MY HUSBAND GOT TO THE DOOR THAT DIVIDES THE BEDROOM AND THE LIVING ROOM AND THIS MAN WAS STANDING THERE WITH A GUN IN HIS HAND. HE TOLD MY HUSBAND TO GET BACK AND MY HUSBAND WAS WALKING BACKWARDS TOWARDS THE BED. THE MAN TOLD MY HUSBAND TO GET INTO THE BED FACE DOWN, HANDS ON THE BACK, POLICE, AND THEN HE TOLD HIM TO OPEN HIS HANDS BECAUSE HE WAS TIEING MY HUSBAND'S HANDS WITH THE CORD FROM THE ALARM CLOCK. THE MAN THEN PUT A PILLOW CASE OVER MY HUSBANDS HEAD AND THEN LATER ON HE TOLD MY HUSBAND TO OPEN HIS MOUTH. I COULD HEAR THE MAN TELLING MY HUSBAND TO DO THIS, I DIDN'T SEE HIM DO ALL THIS. THE SAME MAN THAT WAS TELLING MY HUSBAND TO GET INTO THE BED FACE DOWN TOLD ME TO GET FACE DOWN TOO. THEN A T-SHIRT WAS PUT OVER MY FACE AFTER I WAS TOLD TO LAY DOWN FACE DOWN, THEN THEY THREW THE BLANKET OVER ME. I KEPT ON HEARING HIM HITTING ARTURO. THEN THEY UNCOVERED ME AND THEN SOMEONE PUSHED MY GOWN UP AND THEY STARTED FEELING MY ASS AND STARTED PULLING MY UNDERWEAR DOWN. THE MAN THAT WAS DOING THIS TO ME DID NOT HAVE ROUGH HANDS. THE MAN THEN TURNED ME OVER HE HAD ALREADY TAKEN MY UNDERWEAR COMPLETELY OFF. THEN HE OPENED MY LEGS AND STARTED HAVING SEX WITH ME. WHEN I WAS LAYING FACE DOWN IN THE BED I HAD MY HANDS TIED BEHIND MY BACK. THEN BEFORE I WAS TURNED OVER MY HANDS WERE UNTIED AND THEN THEY TIED MY HANDS IN FRONT OF ME AND MY HANDS WERE PUSHED UP AGAINST MY CHEST. MY HANDS WERE NOT TIED REAL TIGHT. THEY WERE LOOSE. WHILE THE MAN WAS HAVING SEX WITH ME I COULD HEAR THEM HITTING ARTURO. ARTURO WAS MOANING AND I WAS SAYING PLEASE, PLEASE, I COULD HEAR MY BABY CRYING. I COULDN'T SAY ANYTHING TO HIM. WHEN THE MAN THAT WAS HAVING SEX WITH ME WAS THROUGH HE GOT UP. THAT'S WHEN I DIDN'T HEAR MY BABY ANYMORE. I DID HEAR THE FRONT DOOR CLOSE. THEN ABOUT A MINUTE LATER I HEARD THE FRONT DOOR CLOSE AGAIN. THAT'S WHEN I UNCOVERED MY FACE. I GOT UP AND TURNED ON

The above portion of this, my statement, had been read to me by U.P. HERMAN and I find it to be true and correct to the best of my knowledge.

X Diana Garcia
Signature
M. E. Doyle
Notary Public



End of page 1.

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THE LIGHT. ARTURO WAS LYING ON THE FLOOR WHERE ANGELO WAS SUPPOSE TO BE. I STARTED LOOKING FOR BABY ANGELO. I WALKED OVER TO ARTURO AND TOOK OFF THE PILLOW CASE AND UNTIED HIM. WE BOTH STARTED SCREAMING BABY ANGELO, BABY ANGELO. WHEN WE WALKED INTO THE LIVING ROOM LOOKING FOR ANGELO THAT'S WHEN I SAW THE MAN IN THE LIVING ROOM. WE THOUGHT HE WAS COMING BACK SO WE WENT BACK INTO THE BEDROOM. THE MAN WAS STILL MASKED AND HE LEFT. WE STARTED SCREAMING ANGELITO, ANGELITO, AND I WENT OUTSIDE. I WENT TO MY NEIGHBORS, I DON'T KNOW IF ARTRUO WENT OUTSIDE WITH ME. MY NEIGHBOR DIALED 911 WHEN SHE SAW WHAT WAS HAPPENING. I THINK THAT I RAN TO THE STREET LOOKING FOR MY SON. THE MAN THAT WALKED IN WITH THE GUN IN HIS HANDS WAS A BLACK MAN. HE WAS DARK COMPLEXION, I KNOW THIS BECAUSE I SAW HIS HANDS. HE DIDN'T SPEAK ENGLISH VERY WELL HE HAD AN ACCENT. HE DIDN'T SPEAK CLEARLY AND HE DIDN'T SAY ONE WORD IN SPANISH. HE WAS TALL ABOUT SIX FOOT OR BETTER HEAVY BUILT, MUSCULAR. HE HAD BIG EYES ALMOST POPPING OUT. ALSO BEFORE THEY LAID ME DOWN I SAW THAT THERE WAS A BIG GUN POINTING INTO THE BEDROOM FROM THE LIVING ROOM NOT THE WHOLE GUN WAS SHOWING ONLY THE FRONT OF THE GUN. I THINK THAT I CAN RECOGNIZE THIS MAN BY HIS VOICE AND WITH A MASK ON. THE MASK WAS RED AND WHITE, IT HAD MORE WHITE THAN RED AND IT WAS A KNIT TYPE MASK. THE MASK COVERED MOST OF HIS FACE EXCEPT THE EYES AND MOUTH PART. I ALSO REMEMBER THAT THE MAN HAD BIG LIPS, THEY WERE BLACK. THEY WERE SO BLACK THEY LOOKED PURPLE. ANOTHER THING ABOUT HIS EYES WAS THAT THE WHITE OF HIS EYES WERE VERY WHITE.

I have been informed that under the PENAL CODE of the STATE OF TEXAS, Section 37.02: A person commits the offense of PERJURY if, with intent to deceive and with knowledge of the statement's meaning; he/she makes a false statement under oath or swears to the truth of a false statement previously made; and the statement is required or authorized by law to be made under oath.

This, my statement, consisting of 2 page/pages, has been read to me by U.P. HERNANDEZ and I find it to be true and correct to the best of my knowledge as typed by OFF. U. P. HERNANDEZ.

Diana Garcia
Signature

Subscribed and sworn to before me, the undersigned authority on Thursday, October 1, 1992

M. E. Doyle
Notary Public

End of statement of DIANA GARCIA.

